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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, JULY 3, 2001

APPLICATION OF

KMC DATA, LLC

CASE NO. PUC010138

For a certificate of public
convenience and necessity
to provide local exchange
telecommunications services

ORDER FOR NOTICE AND HEARING

On June 15, 2001, KMC DATA, LLC ("KMC DATA" or "Applicant"), filed an application for a certificate of public convenience and necessity ("certificate") with the State Corporation Commission ("Commission") requesting authority to provide local exchange telecommunications services throughout the Commonwealth of Virginia.

NOW UPON CONSIDERATION of the filing, the Commission is of the opinion that KMC DATA's application should be docketed; that the Applicant should give notice to the public of its application; that the Commission Staff should conduct an investigation into the reasonableness of the application and present its findings in a Staff Report; and that a public hearing should be convened to receive evidence relevant to KMC DATA's application.

Accordingly, IT IS ORDERED THAT:

(1) This case is docketed and assigned Case No. PUC010138.

(2) A public hearing for the purpose of receiving evidence relevant to KMC DATA's application is scheduled for September 13, 2001, at 9:30 a.m. in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia.

(3) On or before July 27, 2001, the Applicant shall complete publication of the following notice to be published on one (1) occasion as classified advertising in newspapers having general circulation throughout the Applicant's proposed service territory:

NOTICE TO THE PUBLIC OF AN APPLICATION BY
KMC DATA, LLC, FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY TO PROVIDE LOCAL
EXCHANGE TELECOMMUNICATIONS SERVICES
THROUGHOUT THE COMMONWEALTH OF VIRGINIA
CASE NO. PUC010138

On June 15, 2001, KMC DATA, LLC, ("KMC DATA" or "Applicant"), filed an application for a certificate of public convenience and necessity ("certificate") requesting authority to provide local exchange telecommunications services throughout the Commonwealth of Virginia.

A public hearing on KMC DATA's application will be convened on September 13, 2001, at 9:30 a.m. in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia, to hear evidence relevant to its application for a

certificate to provide local exchange telecommunications services.

Copies of the application are available for public inspection between the hours of 8:15 a.m. and 5:00 p.m., Monday through Friday, in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia, or can be ordered from KMC DATA's counsel, Eric M. Page, Esquire, LeClair Ryan, 4201 Dominion Boulevard, Suite 200, Glen Allen, Virginia 23060.

Any person desiring to comment in writing on KMC DATA's application may do so by directing such comments on or before August 17, 2001, to the Clerk of the Commission at the address listed below. Written comments must refer to Case No. PUC010138.

Any person desiring to make a statement at the public hearing concerning KMC DATA's application need only appear in the Commission's second floor courtroom at 9:15 a.m. on the day of the hearing and identify himself or herself as a public witness to the Commission's Bailiff.

Any person who expects to submit evidence, cross-examine witnesses, or otherwise participate in the proceeding as a respondent, pursuant to Rule 80 B of the Commission's Rules of Practice and Procedure, 5 VAC 5-20-80 B, should promptly obtain a copy of the Order for Notice and Hearing from the Clerk of the Commission for full details of the procedural schedule and instructions on participation.

Individuals with disabilities who require an accommodation to participate in the hearing should contact the Commission at least seven (7) days before the scheduled hearing date at 1-800-552-7945 (voice) or 1-804-371-9206 (TDD).

All written communications to the Commission concerning KMC DATA's application should be directed to Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, and should refer to Case No. PUC010138.

KMC DATA, LLC

(4) On or before July 27, 2001, Applicant shall provide a copy of the notice contained in ordering paragraph (3) to each local exchange telephone carrier certificated in Virginia and each interexchange carrier certificated in Virginia by personal delivery or first-class mail, postage prepaid, to the customary place of business or residence of the person served. Lists of all current local exchange and interexchange carriers in Virginia are attached to this Order as Appendices A and B, respectively.

(5) On or before July 27, 2001, the Applicant shall prefile with the Commission an original and fifteen (15) copies of any additional direct testimony it intends to present at the public hearing. Copies shall also be served on any person who files a notice of participation.

(6) Any person desiring to comment in writing on KMC DATA's application may do so by directing such comments on or before August 17, 2001, to the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia

23218. Comments must refer to Case No. PUC010138. Any person desiring to make a statement at the public hearing concerning the application need only appear in the Commission's second floor courtroom at 9:15 a.m. on the day of the hearing and identify himself or herself to the Bailiff as a public witness.

(7) On or before August 17, 2001, any person desiring to participate as a respondent as defined in Rule 80 B of the Commission's Rules of Practice and Procedure ("Rules"), 5 VAC 5-20-80 B, shall file an original and fifteen (15) copies of a notice of participation as provided in Rule 80 B, 5 VAC 5-20-80 B, and shall serve a copy of the same on KMC DATA's counsel, Eric M. Page, Esquire, LeClair Ryan, 4201 Dominion Boulevard, Suite 200, Glen Allen, Virginia 23060. The notice of participation shall set forth: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to the extent then known; and (iii) a statement of the legal basis for such action.

(8) On or before August 24, 2001, the Applicant shall file with the Commission proof of notice and proof of service as ordered herein.

(9) On or before August 24, 2001, each respondent shall file with the Clerk of the Commission an original and fifteen (15) copies of the prepared testimony and exhibits the respondent intends to present at the hearing and shall on the

same day mail a copy of the same to counsel for KMC DATA and other respondents. Service upon counsel for KMC DATA shall be made at the address set forth above.

(10) The Commission Staff shall analyze the reasonableness of KMC DATA's application and present its findings in a Staff Report to be filed on or before August 30, 2001.

(11) On or before August 30, 2001, if necessary, the Commission Staff may file with the Clerk of the Commission an original and fifteen (15) copies of any prepared testimony and exhibits it intends to present at the public hearing. A copy of the Staff's direct testimony shall be mailed to the counsel for the Applicant and to each respondent.

(12) On or before September 7, 2001, the Applicant shall file with the Clerk of the Commission an original and fifteen (15) copies of any testimony it expects to introduce in rebuttal to any direct prefiled testimony of Staff and respondents. A copy of the rebuttal testimony shall be mailed to Staff and each respondent by overnight delivery.

(13) The Applicant shall respond to written interrogatories or data requests within seven (7) days after the receipt of the same. Respondents shall provide to the Applicant, other respondents and Staff any workpapers or documents used in preparation of their prefiled testimony, promptly upon request.

Except as so modified, discovery shall be in accordance with Part IV of the Rules.